

Message Text

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ORIGIN L-02

INFO OCT-01 ARA-06 ISO-00 SCS-03 SCA-01 SS-15 ORM-01 SR-02

NSC-05 SP-02 PRS-01 CIAE-00 INR-07 NSAE-00 SY-05

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DRAFTED BY L/ARA:DAGANTZ

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L/HR:CRUNYON

L/SCA:EKERLEY

ARA:GLISTER (SUB)

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FM SECSTATE WASHDC

TO AMEMBASSY BUENOS AIRES IMMEDIATE

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E.O. 11652: N/A

TAGS: CASC, CVIS, BTRA, SREF, PFOR, AR, SHUM

SUBJECT: DETENTION OF US CITIZEN MEMBER OF ICJ MISSION
TO ARGENTINA

REF: A. BUENOS AIRES 4267 B. STATE 148494

1. DEPT, NOT INS, HAS RESPONSIBILITY OF DETERMINING
APPLICABILITY ARTICLE 36 OF VIENNA CONVENTION TO CASES OF
ALIENS IN US. ALIEN WHO HAS BEEN DENIED ENTRANCE TO
UNITED STATES AND IS THUS IN TRANSIT AT US AIRPORT WOULD
NOT BE IN CUSTODY; HE WOULD SIMPLY NOT BE PERMITTED TO
FORMALLY ENTER UNITED STATES. WHILE IN TRANSIT STATUS HE
WOULD HAVE ACCESS TO TELEPHONE AND COULD CONTACT CONSULAR
OFFICER OR ANYBODY ELSE HE WISHES TO. SHOULD ALIEN IN
UNITED STATES BE TAKEN INTO CUSTODY FOR ONE REASON OR
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ANOTHER PENDING DEPORTATION WE WOULD CONSIDER SUCH ALIEN

TO HAVE BEEN "DETAINED" AND THUS TO HAVE RIGHTS PROVIDED
UNDER ARTICLE 36.

2. DEPT IS PREPARED TO INVESTIGATE COMPLAINTS REFERRED
TO PARA 2, REF A.

3. BASIS FOR US DEMARCHE ON THIS SUBJECT IS CABRANES' US
CITIZENSHIP, NOT HIS CONNECTIONS WITH ICJ. DEPT IS

CONCERNED WITH ARGENTINE TREATMENT OF US CITIZENS AND
BELIEVES IT NECESSARY TO MAKE APPROPRIATE REPRESENTATIONS
WHenever US CITIZEN IS NOT ACCORDED RIGHTS DUE HIM. ICJ,
IF IT WISHES, MAY MAKE ITS OWN DEMARCHE.

4. FOR REASONS INDICATED ABOVE, YOU ARE REQUESTED TO
DELIVER NOTE PROVIDED REF B. KISSINGER

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